



Performance from Experience

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William Maher
Chief, Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Supplemental Comments – North American Numbering Plan Administrative Technical Requirements and Subsequent Procurement- CC Docket Nos. 92-237 & 99-200

Dear Mr. Maher:

Since filing our Reply Comments on July 9, 2002 in the above-referenced matter, concerns about the financial health of the telecom industry in general, and individual companies in specific, have escalated substantially. Chairman Powell has described these concerns as having risen to a level of “utter crisis.”¹ Carriers have responded to this crisis by ensuring that they can protect themselves in the event of the financial failure of their customers and interconnection partners,² and the first critical element in the Chairman’s plan for managing the current turmoil is to “protect service continuity.”³

The North American Numbering Plan Administrator function is a critical part of the domestic telecommunications infrastructure of the United States. Under current circumstances, protecting this critical asset from the vagaries of financial instability should be of paramount concern to the Commission. Yet it does not appear that the requirements document addresses this issue in any comprehensive way. Section 2.1.3 of the Technical Requirements document provides only that “NANPA shall maintain necessary administrative resources to handle the legal, financial, and technical responsibilities required to manage all numbering resources.”

¹ Yochi J. Dreazen, *FCC’s Powell Says Telecom ‘Crisis’ May Allow a Bell to Buy Worldcom*, Wall St. J., July 15, 2002, at A1.

² See, e.g., *Wireline Competition Bureau Seeks Comment on Verizon Petition for Emergency Declaratory Ruling and Other Relief*, Public Notice, DA 02-1859 (rel. July 31, 2002).

³ Testimony of Chairman Michael K. Powell before the Committee on Commerce, Science, and Transportation, United States Senate (July 30, 2002).

Telcordia recommends that additional express conditions be incorporated into the Request for Proposal (RFP) to establish specific financial eligibility to bid, consistent with the Federal Acquisition Regulations (FAR),⁴ such as a requirement for formal attestations or certifications by potential bidders demonstrating their current and foreseeable financial stability and wherewithal to support the NANPA function throughout the term of the contract period. In addition, the RFP should contain express terms and conditions addressing financial contingencies such as lack of payments by carriers, and how the FCC will deal with a default by the winning bidder -- due either to lack of performance or financial impairment such as bankruptcy occurring at any stage during the process -- including pre-award, post-award but pre-performance, and during the performance period.

Please consider this letter as a supplement to Telcordia's comments and reply comments in the above-referenced NANPA technical requirements proceeding. In accordance with the FCC's rules, this letter is being filed electronically in the above-referenced dockets.

Sincerely,

Louise L. M. Tucker
Senior Counsel

Copy to:
Diane Griffin
Sanford Williams
Maureen Duignan
Sonna Stampone
Mark Oakey
Marlene Dortch, FCC Secretary (via ECFS)

⁴ See, FAR Sections 9.104-1, et. seq., 52.243-13, and 42.900.